

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE DIISOCYANATES ANTITRUST
LITIGATION**

This document relates to: All Actions

Hon. James C. Francis IV (Ret.)
E-Discovery Special Master

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: Master Docket
: Misc. No. 18-1001
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: MDL No. 2862
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Supplemental Report and Recommendation

In a Report and Recommendation dated October 19, 2022 (the “10/19/22 R&R”), I recommended that Plaintiffs’ Motion to Compel Search Terms and Further TAR Review (ECF 705) be granted to the extent that defendants Wanhua Chemical (America) Co., Ltd, Huntsman Corporation (“Huntsman”), and Covestro LLC be required to resume their TAR review, presumptively continuing until the last two batches reviewed contain no more than 10% responsive documents, with the parties permitted to argue that the review should be stopped sooner than that or continued longer on the basis of the significance of the documents obtained from those batches. That recommendation was based on my understanding that the proportion of responsive documents in the final two batches at the time each of these defendants halted their reviews was materially greater than 10%. (10/19/22 R&R at 6 (Figure 1), 26-27).

That understanding was incorrect. Although the proportion of responsive documents in the last two batches for Huntsman was originally presented to me as 18% (Declaration of Sarah R. LaFreniere dated Aug. 9, 2022, ¶ 27), it has been brought to my attention that the proportion was in fact 9.1% (Declaration of Zachary K. Warren dated Aug. 30, 2022, ¶¶ 8, 9), a figure that the plaintiffs do not dispute (Plaintiffs’ Reply Memorandum of Law in Further Support of

Plaintiffs' Motion to Compel Search Terms and Further TAR Review, Exh. B). Since Huntsman has already achieved the benchmark that I identified as representing a presumptively reasonable search, there is no longer a basis for requiring it to resume its TAR review. I therefore modify my recommendation such that Huntsman should not be subject to this requirement.

Respectfully Submitted,


James C. Francis IV
E-Discovery Special Master

10/21/22
Date